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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,392	10/16/2006	Shinji Kobayashi	129076	8153

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
HINZE, LEO T	

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
10/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,392	KOBAYASHI ET AL.	
	Examiner	Art Unit	
	LEO T. HINZE	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4 and 6-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4 and 6* is/are rejected.

7)☒ Claim(s) *7 and 8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20090901*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07 August 2009 has been entered.

Response to Arguments

2. Applicant's arguments filed 07 August 2009 have been fully considered but they are not persuasive.

a. Applicant argues on pp. 5-6 that the combination of Hiraga and Bengtsson fails to teach that the damper member has greater flexibility in a stamping force direction than the exposed second print face. The examiner disagrees. The definition of "flexibility" is less than precise, particularly when discussing degrees of flexibility. This is because flexibility of an object depends upon not only material properties, but also geometry. In the case of the combination of Hiraga and Bengtsson, it appears that the damper member does have greater flexibility than the second print face. Bengtsson warns against using excessive pressure when creating a stamp (col. 4, lines 24-26). This would lead one having ordinary skill in the art to attempt to limit the amount of pressure that could be placed on the second print face. A likely result of this would be to match

the second print face of Bengtsson and the unlabeled frame member of Hiraga which holds the print face such that the frame member limits the amount of compression of the second print face. In this way, one could ensure that the amount of pressure on the second print face would never be too large so as to result in blurred prints. This would also allow one having ordinary skill in the art to better estimate how much ink is dispensed during each impression of the second print face.

With the amount of compression of the second print face limited by its enveloping frame member, one must then ensure that the pressure on the first print face is not so large as to cause blurring. In Hiraga, this pressure appears to be controlled by the distance the upper frame 1 can mover toward the unlabeled frame member holding the second print face. Assuming that, for example, the first and second printing faces are constructed from similar material, one can see that the damper member must allow the first print face to move a great distance before becoming flush with the second print face. Then, the two print faces together must move a similar distance so as to create a clear impression on the substrate.

Given that the damper member controls the movement of the first print face, one can say that the damper member must have greater flexibility than the second print face. That is, the damper member must compress a greater distance than the second print face to ensure that the first and second print faces both receive an appropriate amount of pressure to make a clear impression.

Allowable Subject Matter

3. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

a. Regarding claim 7, the prior art of record does not teach or render obvious a stamp having all of the structure and functionality as claimed, including wherein the holding member is set apart from the damper member by a gap, and the face of the damper member on an opposite side of a flange of the main body case makes contact with an end of the frame member.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraga et al., US 4,970,952 A (hereinafter Hiraga) in view of Bengtsson, US 4,858,526 A (hereinafter Bengtsson).

a. Regarding claim 1:

Hiraga teaches a stamp comprising: a first print body (10-13, Fig. 1) which is fixed to a main body case (1, Fig. 1) and has a first print face (see unlabeled print faces on 10-13, Fig. 1) for forming a print image; a second body (25, Fig. 1) which has an exposure hole through which the first print face is exposed (25b, Fig. 2) and a second face for forming the print image with the first print face exposed through the exposure hole; and a restricting member which holds the second print body and restricts a distance in which the second print face is compressed when the main body case is pressed down at the time of making stamp (unlabeled cylindrical housing holding face 25 appears to limit the amount that face 25 can be compressed, Figs. 1 and 2); a holding member which holds the second print body from an opposite side of the second print face (see upper portion of unlabeled frame member surrounding item 25, Figs. 1, 2); a frame member which nips the second print body with the holding member such that the second print face is exposed (see lower portion of unlabeled frame member surrounding item 25, Figs. 1, 2); and a damper member which makes contact with the main body case and the frame member, wherein the restricting member is constituted of

the frame member and the damper member and when stamping is made, the damper member is compressed so that the frame member is pressed down (damper member 25a, Fig. 2; main body 1 pushes down on spring, causing platen 25 and printing faces 10-13 to be co-planar and printing faces 10-13 to create an impression); the damping member has great flexibility in a stamping force direction (damper 25a must compress a large distance to allow frame 1 to touch the unlabeled frame holding platen 25).

Hiraga does not teach wherein the second body has a second print face; and wherein when the damper member is compressed the exposed second print face is compressed until the frame member comes into contact with a stamping object medium. As Hiraga does not teach a second print face, Hiraga is silent as to the relative flexibility of the damper member and second print face.

Bengtsson teaches a self-inking printing block for forming a print image on a stamping object (3, Fig. 6); a second print face for forming a print image on said stamping object by synthesizing with the print image of said first print face (20, Fig. 3); and wherein said first print face and said second print face are matched with each other at the time of stamping (both faces stamp an image on the substrate, col. 2, ll. 44-48). The first print face is advantageous for printing the name of a company or the designation of a place (col. 2, ll. 45-46), and the second for printing a date (col. 2, l. 48). Bengtsson also teaches that applied pressure can have an effect on the clarity of printed matter (col. 4, ll. 24-26).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hiraga to replace the second body with a print face

for forming a print image together with the first print face, as taught by Bengtsson, because one having ordinary skill in the art would recognize that this combination would predictably allow the device of Hiraga to print additional information, such as the name of a company or the designation of a place. This combination would also result in placement of a compressible member in place of the platen 25 of Hiraga, which would allow the unlabeled frame member of Hiraga that surrounds the platen to contact the stamping object medium when pressure is applied to the main body case. This combination would also result in the damper member having greater flexibility than the second print face, as discussed in the response to arguments above.

b. Regarding claim 3, the combination of Hiraga and Bengtsson teaches the stamp according to claim 1, as discussed in the rejection of claim 1 above. The combination of Hiraga and Bengtsson also teaches wherein the first print face is disposed at a position receding from the second print face in an opposite direction of the stamping direction when no stamping is made, and the damper member is compressed so that the first print face and the second print face become flush with each other when the main body case is pressed down at the time of making stamp (Hiraga: damper 25a keeps the first printing face recessed in non-printing position, Figs. 1 and 2, but compressing damper 25a allows first printing faces 10-13 to make a print on a substrate).

c. Regarding claim 4, the combination of Hiraga and Bengtsson teaches the stamp according to claim 1, as discussed in the rejection of claim 1 above. The combination of Hiraga and Bengtsson also teaches an elastic member which makes contact with the main body case and the first print body, wherein the elastic member is compressed so

that the first print face and the second print face become flush with each other when the main body case is pressed down at the time of making stamp (Hiraga: spring 25a, Fig. 1, is an elastic member).

d. Regarding claim 6, the combination of Hiraga and Bengtsson teaches the stamp according to claim 1, as discussed in the rejection of claim 1 above. The combination of Hiraga and Bengtsson also teaches wherein compression of the exposed second print face is restricted at a position where the frame member makes contact with the stamping object medium (it appears that because the frame member is rigid, the second print face cannot be further compressed once the frame member touches the stamping object medium) because the damper member keeps contact with only the main body case and the frame member (Hiraga: it appears that the spring 25a touches, or "keeps contact with," only the main body case and the frame member, Figs. 1, 2).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is 571.272.2864. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leo T. Hinze
Patent Examiner
AU 2854
21 October 2009

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854